

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WINDWARD BORA LLC, :
Plaintiff, :
v. :
JOSHUA LUNGEN and STERLING :
NATIONAL BANK, formerly known as :
Provident Bank, :
Defendant. :
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ORDER

22 CV 4743 (VB)

On August 22, 2022, the parties submitted for the Court's review a proposed notice, consent, and reference of a civil action to a magistrate judge form. The form is electronically signed by counsel for plaintiff and counsel for defendant Joshua Lungen. (Doc. #13). The other defendant in this action, Sterling National Bank, was served with the complaint on June 24, 2022, but to date has not appeared in the action or responded to the complaint. (Doc. #11).

Because a magistrate judge may exercise authority over all proceedings in this action only if all parties voluntarily consent, plaintiff and defendant Lungen cannot consent to proceed before the magistrate judge without the consent of defendant Sterling National Bank, which appears to be in default.

In addition, the form must contain scanned actual signatures, rather than electronic signatures. See ECF Rules & Instructions § 8.5.

Therefore, the parties' request to proceed before the assigned magistrate judge for all purposes is DENIED WITHOUT PREJUDICE to refiling in proper form with the consent of defendant Sterling National Bank (unless Sterling National Bank is dismissed from the case or is otherwise no longer a party in this case).

Dated: August 22, 2022
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge

USDC SDNY
DOCUMENT
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DATE FILED: 8/22/22